

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 201910669	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/02/2019 12:40 AM	Location of Incident: § 87(2)(b)	Precinct: 52	18 Mo. SOL 6/2/2021	EO SOL 1/17/2022	
Date/Time CV Reported Mon, 12/02/2019 1:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/12/2019 11:19 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Rhona Hall	24804	943343	052 PCT
2. POM Victor Wilson	05828	964839	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Juan Rivera	02341	961172	052 PCT
2. POM Justin Rivera	04591	958010	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Victor Wilson	Abuse: Police Officer Victor Wilson damaged § 87(2)(b) property.	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On December 2, 2019, § 87(2)(b) filed this complaint with the IAB. The complaint was subsequently received at the CCRB on December 12, 2019.

On December 2, 2019, at approximately 12:40 a.m., PO Victor Wilson and PO Rhona Hall of the 52nd Precinct responded to a noise complaint at § 87(2)(b) in the Bronx. The officers went to § 87(2)(b) and knocked on § 87(2)(b) door. § 87(2)(b) yelled at the officers, told them to leave, and refused to open the door. PO Wilson allegedly kicked her door, damaging the lock (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(4-b) § 87(2)(g))

§ 87(2)(b) was not arrested or issued summonses during the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Victor Wilson damaged property. § 87(2)(b)

§ 87(2)(b) was inside her apartment when she heard loud music coming from her neighbor downstairs in apartment. § 87(2)(b) hit a pipe in her living room in response. § 87(2)(b) went to take a shower and heard loud noises coming from her apartment door. § 87(2)(b) looked through the peephole and asked why the officers were at her apartment. PO Hall explained that the officers were at her apartment due to a noise complaint. PO Wilson asked if § 87(2)(b) had hit a pipe, which § 87(2)(b) confirmed. PO Wilson continued to knock on her door and asked § 87(2)(b) to open it. During her conversation with PO Wilson, § 87(2)(b) used profanity and did not comply with the officer's request to open the door.

PO Wilson turned away from the door and kicked the bottom of it twice with the heel of his foot. He then faced the door and kicked it twice with the front of his foot, causing the door to open approximately two inches. PO Wilson stated, "Let's go." He and PO Hall left. § 87(2)(b) did not see the officer kick her door, but she later asked her superintendent, § 87(2)(b), to see the surveillance footage showing PO Wilson kicking her door. § 87(2)(b) called 911 and was told that police officers would be arriving. PO Juan Rivera and PO Justin Rivera arrived and helped repair her door. However, it was not fully repaired as the lock was damaged and required the use of her key to lock the door [Board Review 01].

PO Wilson testified that he and PO Hall arrived at § 87(2)(b) regarding a dispute between an unidentified caller and § 87(2)(b). PO Wilson and PO Hall went to § 87(2)(b). Either PO Wilson or PO Hall knocked on the door with a heavy knock, with the back of their knuckles, loud enough to be heard. Either officer knocked more than once. At first, PO Wilson did not hear anything until he heard something that sounded like shouting. Either officer continued to knock, and the sound became louder. Either PO Wilson or PO Hall told § 87(2)(b) that they were the police. § 87(2)(b) replied, "I don't give a fuck who it is. Get away from my door." PO Wilson said he was with the police and that they had come to talk about her neighbor. PO Wilson asked § 87(2)(b) to open her door. From behind her door, § 87(2)(b) continued to use profanity. She never opened the door for the officers. PO Wilson denied kicking § 87(2)(b) door at any point. Aside from knocking, PO Wilson did not make any other physical contact with her door [Board Review 02].

PO Hall largely corroborated PO Wilson's testimony. She did not recall him making any physical contact with the door other than possibly knocking on it [Board Review 03].

PO Juan Rivera testified that he and PO Justin Rivera responded to § 87(2)(b)'s apartment. § 87(2)(b) told PO Juan Rivera that officers who had arrived at her apartment earlier banged on her door, causing the door to not lock. PO Justin Rivera checked on it and found that it was able to lock. PO Juan Rivera did not observe any recent visible damage to the door [Board Review 04].

PO Justin Rivera corroborated PO Juan Rivera's testimony. PO Justin Rivera checked on the lock, a latch-type lock, and observed that it was little jammed and likely needed lubrication. He turned on the knob a few times to loosen it. Before the officers left, PO Justin Rivera checked to make sure that the door was able to be locked [Board Review 05].

The investigation contacted the building's superintendent, § 87(2)(b) who stated he was unaware of any incident involving the police on the incident date [Board Review 12]. During two telephone conversations, he advised the undersigned to contact the building manager or contact the real estate company to obtain video footage. The investigation called the manager's telephone number three times; during each attempt the call returned no sound. The investigation called the real estate company twice and was transferred to the manager on the second attempt. A voice message was left. The manager never returned the undersigned's telephone call. As such, the investigation was unable to obtain surveillance footage related to this incident.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first of three CCRB complaints to which § 87(2)(b) has been a party:
§ 87(4-b)
- PO Wilson has been a member of service for three years. He has no other complaints filed against him.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation.
- On September 8, 2020, the Office of the New York City Comptroller indicated negative results for any Notice of Claim filed for this incident [Board Review 07].

§ 87(2)(b) | §§ 86(1)(3)&(4) | § 87(2)(c)

Reviewer: _____

Signature Print Title & Name Date